

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

SCHOOL DISTRICT OF THE CITY OF
PONTIAC,

Plaintiff,

v.

Case No. 08-CV-12445-DT

PONTIAC EDUCATIONAL SUPPORT
PERSONNEL ASSOCIATION,
MEA/NEA,

Defendant.

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PROTECTIVE ORDER

Upon stipulation of the parties, the Court orders the following:

IT IS ORDERED that the School District shall release the video tape(s) requested on May 22, 2008 (hereinafter "subject video tape(s)"), to Eduarda Crain, agent of Defendant Pontiac Educational Support Personnel Association ("PESPA"), as a representative of David Wilson, the Grievant, subject to the requirements set forth in this order for the specific purpose of, the grievance arbitration proceeding(s) initiated by Eduarda Crain as the representative of the PESPA and Grievant (hereinafter "subject grievance").

IT IS FURTHER ORDERED that the content of the subject video tape(s) shall not be shown or disclosed in any manner by Defendant and Grievant to any person not a party to the grievance arbitration proceeding of the subject grievance, or a designated representative of a party for the same purpose, or any witness or potential witness, or the selected labor arbitrator(s) for the subject grievance.

IT IS FURTHER ORDERED that Defendant may only use the subject video tape(s) in conjunction with the grievance arbitration proceeding(s), of the subject grievance and for no other purpose.

IT IS FURTHER ORDERED that Defendant, or their designated representatives, shall make no copies of the subject video tape(s), except to provide any necessary copies to an arbitrator as part of the grievance arbitration proceeding(s) of the subject grievance.

IT IS FURTHER ORDERED that any summary, description or abstract of the subject video tape(s) made by Defendant, or their designated representatives, may not contain personally identifiable information or image(s) of any student, and may not be shown to or reviewed by any person not a party to, or designated representative of a party for the specific purpose of, the grievance arbitration proceeding(s) of the subject grievance.

IT IS FURTHER ORDERED that the subject video tape(s) shall be returned to the School District of the City of Pontiac at the conclusion of the grievance arbitration proceeding(s) of the subject grievance.

Any act inconsistent with the above provisions shall be in direct violation and contempt of the Order of this Court. In granting this stipulated Order of the Court, the

Court makes no legal determination as to whether the subject videotape(s) constitute education records pursuant to the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, as alleged by Plaintiff and which is denied by Defendant.

s/ Robert T. Schindler
Robert T. Schindler, Esq.
Thrun Law Firm, P.C.

s/ Harvey I. Wax
Harvey I. Wax, Esq.
Zausmer, Kaufman, August, Caldwell & Taylor,
PC

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: July 31, 2008

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, July 31, 2008, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522